Exhibit L

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ, Plaintiff, vs. JOHNSON & JOHNSON; ALBERTSONS COMPANIES, INC., individually, and as successor-in-interest, parent, alter ego and equitable trustee LUCKY STORES, INC.; LUCKY STORES, INC.; SAFEWAY INC.; SAVE MART SUPERMARKETS, individually, and as successor-in-interest, parent, alter ego and equitable trustee of LUCKY STORES, INC.; TARGET CORPORATION; WALMART INC.; and FIRST DOE through ONE-HUNDREDTH DOE, Defendants.	Case No. 22CV012759

Certified Transcript

(Pages 1-114)

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

DR. WILLIAM LONGO

Friday, March 3, 2023

Reported by: John Fahrenwald, CA CSR 14369, RPR

range -- not so much in a range -- to help the colors. 9:22:13AM

Q. Okay.

A. So I don't know the whole definition of it anymore.

Q. Okay. 9:22:24AM

A. But it seems to be the new -- I should look it up to get it exactly because it seems to be the new question for depositions.

Q. If images aren't appropriately white balanced, they can either appear too yellow or they can appear too blue. Correct? 9:22:39AM

A. I don't know. I don't know how correct -- you know, this is an older one than this is a -- you have more yellows in this because you're using a tungsten lightbulb in the microscopes and the new ones are LED, so you don't have any white balance problems. 9:23:03AM

And this wasn't really ever a problem because the conditions of these for chrysotile and the fibrous talc were the same. So it's not changing anything here when you're comparing the apples to apples versus comparing apples to oranges. 9:23:21AM

Q. So my understanding now is that you're saying that these images appear more yellow because of tungsten lighting that was used in them in the older microscope?

A. Yeah, it's like a yellow light -- not a yellow 9:23:38AM

light, but it has yellow in it. And I think all our photographs, going back to the last, you know, 30 years were using those type of microscopes. 9:23:41AM

Q. Do you know whether the camera that you were using at that time, whether it had a feature that would allow you to white balance to compensate for that tungsten lighting? 9:23:56AM

A. Not to the degree it completely removes it. Because when you compare these to the LED photographs, you don't have the yellow like this.

Q. Okay. And when we're looking at this, for example, let's look at the parallel. You have a structure that you've identified here as chrysotile. Right? 9:24:18AM

A. Correct.

Q. Okay. And then what are these larger, rounder structures? 9:24:37AM

A. Platy talc.

Q. Okay. And platy talc, because it's not in an elongated form, however you move it, it's going to retain the same refractive index? In other words it will always -- it will stay the same color, by and large? 9:24:59AM

A. Yes.

Q. And so if we look at the next slide -- so one of the things you can do, will you agree with me, to see whether or not something is appropriately white balanced is to look at something in the image that you know -- where you 9:25:25AM

Q. We can talk about perpendicular in a second. In parallel -- you're selling me that in parallel, talc plates and an elongated talc piece will not be the same color? 9:37:20AM

MR. RIVAMONTE: Misstates testimony.

Q. (BY MR. DUBIN:) Are they the same or not the same? 8:49:12AM

A. Well, which ones do you want to point to?

Q. I'm looking at one in parallel.

A. I'm looking at a whole range of colors, but I'm not seeing anything that meets the criteria for a fibrous bundle. 9:37:58AM

Q. I'm not --

A. So it's -- we're arguing -- we're debating over this color when it has no useful ending to it other than a talking point on your hat.

Now I've answered the question. We need to move on. 9:38:11AM

Q. Can you tell me what the refractive index of a talc plate is?

MR. RIVAMONTE: Vague and overbroad.

THE WITNESS: I would say the majority of them there, you know, are down in the 1. -- 1.5 -- maybe 1.55 -- 1.558 or something like that. I don't know. I'd have to go -- I'd need to be looking in the microscope and look at the chart. 9:38:28AM

What I do know is platy talc is not fibrous, so 9:39:01AM

it's not in the equation. And what I do know, if I look over in the alpha, we don't see any blues. And if I look at what is in perpendicular on that big structure up in the left-hand corner, where I say, this is a -- this is a talc -- talc plates on edge right there or this is fibrous talc, and that's now -- in the left-hand side, that's in the alpha direction, and you can't see such a blue on the end. It's real bright. 9:39:06AM 9:39:30AM

And then on the right-hand side, now it's in the parallel direction and you still got the white. That's out of the range of all the refractive indices. I mean, you're looking at greater than 1.590. 9:39:45AM

And on the other side, you're looking, less than 1.535.

Q. All right. Let's see if we can -- we'll come back to this issue in a second. Let's go to the next. Let's go to Slide 16. 9:40:05AM

Typical guidance on how this birefringence value should be calculated if we take the highest parallel, meaning the brightest color, and the lowest perpendicular. Correct? That's how birefringence in the published literature is calculated. Correct? 9:40:31AM

A. No. And no.

Q. Okay.

A. Not calculated at all. If you actually to 9:40:55AM

and straight up, you see a very yellow-looking structure. And I can see structures in that. 10:24:29AM

And then if I go to the parallel, I can see this brightish -- bright white and a bright blue. That's fibrous talc. 10:24:49AM

And tell me, if you can absolutely see the difference there.

Q. Okay. Talc in perpendicular can also be blue. Right?

A. Fibrous talc in the perpendicular can be blue. 10:25:11AM

But if you compare -- if you go to the perpendicular photograph, which would be the next one where I said, that's talc. And look at it in the perpendicular -- it's not quite on perpendicular -- it's bright -- light, bright blue to white. So that white puts it less than 10:25:31AM 1.535.

Q. So what is the structure to the right of the one that you've identified, the larger blocky structure with blue on the side? What is that it? Looks like it's mostly in perpendicular. 10:25:53AM

A. I just have to get oriented here, so give me a second.

MR. RIVAMONTE: Mr. Dubin, I just want to clarify. The image that we're currently looking at now is page 32 of Dr. Longo's report, the parallel dispersion? 10:26:44AM

MR. DUBIN: On the right, yeah. 10:26:49AM

MR. RIVAMONTE: Okay. Yeah.

MR. DUBIN: I'm not sure if it has page numbers or we just counted pages.

MR. RIVAMONTE: I'm just looking at the PDF, whatever the PDF says. It's page 32. 10:27:07AM

Q. (BY MR. DUBIN:) Sorry, Doctor, I wasn't sure if you were in the middle of --

A. Yeah, I heard it. I'm just looking at it. It's hard to say, what is that? What is that? 10:27:20AM

I mean I'd have to be looking in the microscope at it to tell you what that is. It's not something we identified. So I don't know what's wrong with it, but I'd have to be looking in the PLM scope to make a guess.

Q. Based on morphology, does that to appear to be a talc plate? 10:27:37AM

A. Again, I'd have to be looking in the microscope to make any decision on what that might be.

Q. And is that generally true? In order to properly judge what colors were observed on here, you would have to be at the microscope and actually look at the slide? 10:27:54AM

A. It's not so much the colors. It's the focus. It's -- you know, I would look at elongation, at lower magnification. So got kind of an oddball structure to it to be chrysotile. I don't -- doesn't really have substantially 10:28:22AM

Q. Okay. Now let's go back one slide, back to 26. And so 500, the color that we should be observing is the one underneath the 500. Right? 10:35:52AM

A. It should be close to that.

Q. Are you honestly telling me that when you look at this image, that structure is that magenta color underneath 500? 10:36:07AM

A. Well, no.

MR. RIVAMONTE: Argumentative.

THE WITNESS: I'm not saying that. That magenta color under 500 -- ours is more in the 1.572 -- you know, if these are -- if he's correct. I got to go back to his tables, and we're using the tables he has in his publication. And I'd be looking at -- let me take look at that. 10:36:22AM 10:36:49AM

Oh, I'm looking at the chrysotile. No wonder. Need to be looking at the talc that we analyzed. Where is that? You're looking at the standard. No wonder. There it is.

No, we have sort of that at the 500 mark. Again, I'd have to be under the microscope to look at it, but the outer edge, I think that was averaged. But I think that's what you're using is from one of his older Su tables maybe. But I don't have a problem with -- the whole thing is not looking this magenta -- redder-ish [sic] purple. 10:38:57AM 10:39:27AM

But on the outer edge, on the top of the structure it has where the Becke line is. So I'm not concerned with that. 10:39:30AM

Q. Can you see anything -- again, see this little particle, this yellow particle, the talc plate in between these blue structures to the right of what you've mark off? See those talc plates? 10:39:39AM

A. I do.

Q. Is there some difference that you're -- you're seeing there that causes you to call this magenta and -- 10:39:57AM

A. No, I'm not saying the whole thing is magenta. What we're doing now is we're averaging them. It's hard to see where you haven't blown it up.

But on the top edge, we have a little bit different color there. So I'd have to go and look at -- and see if this was averaged out on it. Because at least on my photograph, I can see on that top edge where the Becke line is. 10:40:19AM

Q. Okay. Let's go forward to more slides.

To that one, yeah. 10:40:42AM

So again, what we've -- we've already talking about this. Let's go one more. Okay.

What color are you seeing here in this structure that you've identified as chrysotile?

A. Is this the new one? 10:41:12AM

A. Purple, purplish-red. 10:43:05AM

Q. Okay?

A. That's what I'm seeing on the outer edge, not the whole structure.

Q. Okay. So is it -- you're understanding then that this chrysotile, it's going to be all yellow -- and it's going to be yellow and then some faint line of purple on the outside or something like that? That's what you're seeing here? 10:43:13AM

A. What are you -- I'm not sure what you're talking about. I see no yellow on that chrysotile structure. What I'm looking at is the outer edge of the bundle. 10:43:38AM

Q. Uh-huh. Okay. So let's keep going. But you're treating this -- for purposes of your birefringence calculation, you're treating this -- the number that goes into your calculation is associated with purple? 10:44:00AM

A. Now, that's what it looks like to me, sitting here. Again, you know, I'd have to be sitting at the PLM scope, but I can see a reddish-purple around the edge, what I'm looking at right now. 10:44:22AM

Q. You can't see -- because, again -- because of the illumination, you can't see that also -- a little bit of an edge around the talc plate up there?

A. What I see around that talc plate is reds and yellows. 10:44:38AM

try to compare -- 1.550 and try to compare to 1.560. 10:48:11AM

Q. I'm just talking about the color, the color itself. Right? The color of this is -- you're saying visually whatever oil it's in, that the structure we just looked at from the Johnson & Johnson is further towards purple than this. Right? 10:48:31AM

MR. RIVAMONTE: Asked and answered.

THE WITNESS: You can't compare the two.

And, yes, it's a darker reddish-purple than, you know, this magenta color eliminating the bright yellow colors and ignoring the size of structure under that, that is probably closer -- is more closer to the size ranges we're seeing. 10:48:52AM

So, yeah. You just can't compare the two. I told you my opinion about it and what was around the edge, and I'm not looking in a microscope. I can't answer it anymore and help you out here. 10:49:12AM

Q. Just so we're clear what I'm asking about, I'm comparing the color of this to -- go back a couple of slides, please -- and this. These are the two ones I was asking you about. Right? 10:49:28AM

A. That's so misleading, Mr. Dubin.

Q. Well --

A. You're talking about the whole structure. I'm talking about right around the Becke line of a structure 10:49:42AM

will move into the structure, or it will move out of the structure. 11:58:52AM

Or it will stay at a particular -- and you will know if you got the right refractive indice fluid for a matching. So you have to -- it's a way to look at unknowns. 11:59:03AM

You know, you put 1.550, zero in and it moves away, I believe that is -- means -- and I always forget -- it's either too high or too low to -- and what you're looking for is a fluid that you don't get movement.

Q. Okay. And just for -- 11:59:29AM

A. So it matches what the wavelength -- what the matching wavelength.

Q. Just for reference, we're looking at M71614-001CSM-002.

So are there any images in here where we can determine the colors that we're seeing in the Becke line and translate those into wavelengths of light? Or do we not have images to be able to do that? 11:59:46AM

A. You know, maybe. You don't really have the image there. But the one that's parallel -- I don't know if you could really do that or not. We don't do Becke line work here, so it's not something I do all the time or would do. 12:00:06PM

I wouldn't use Becke lines to identify a particulate that's unknown. I would start off with SEM or something. 12:00:30PM

Q. Okay. So you wouldn't be able to tell me, for example, if this were a Becke line, what wavelength of light that -- what color -- what wavelength of light that's associated with? 12:00:31PM

A. No. In order for me to do that, I would have to be sitting at the microscope, in focus, out of focus, and look at that. 12:00:45PM

So, no, that's not something I can just do from looking at this picture. At least I can't.

Q. So then for purposes of understanding your testimony when you were talking about Becke lines before, you just mean the edge of the image and the dispersion standing? 12:00:59PM

A. Correct. I should have been more careful about how I was phrasing. 12:01:17PM

Q. Okay. And in -- when we were talking earlier about the tungsten lighting that was on the old microscope, is it fair to say that in all of the old depositions where we've talked about your chrysotile findings in Johnson & Johnson, when you were speaking about the images depicting gold colors or orange colors, that was with a microscope that was using tungsten lighting that was adding yellow to the image? 12:01:38PM

A. Yeah, could be.

But the interesting thing is the refractive 12:01:59PM